

courage a child's parent, guardian, custodian, or other person responsible for the child's care to secure voluntary treatment for substance misuse, abuse, or dependency.

2. The data, activity, and information addressed by the study shall include but is not limited to all of the following:

a. The departments shall develop data identifying the prevalence of the presence of children in the household among adults receiving substance use disorder evaluations. The initial data collected shall cover at least three months of the fiscal year beginning July 1, 2008.

b. The department of human services shall include in the written assessment made for a child abuse report a determination as to whether or not substance abuse by the child's parent, guardian, custodian, or other person responsible for the child's care was a factor in the report and finding of abuse. The department shall provide nonidentifying information concerning the prevalence of the determinations in child abuse assessments. The initial data collected shall cover at least three months of the fiscal year beginning July 1, 2008.

c. The departments shall develop and implement a protocol to jointly address those child abuse cases that are wholly or partially caused by substance misuse, abuse, or dependency by the child's parent, guardian, custodian, or other person responsible for the child's care. The protocol shall initially be implemented by the departments on or before July 1, 2009.

3. The departments shall make an initial report to the governor and the standing committees on human resources of the senate and house of representatives concerning the initial data collected, preliminary recommendations, and status of the protocol implementation pursuant to this section on or before December 15, 2009, and shall make a report covering the initial data for a twelve-month period on or before December 15, 2010.

Approved April 25, 2008

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## CHAPTER 1122

### ECONOMIC DEVELOPMENT PROGRAMS — MISCELLANEOUS CHANGES

*H.F. 2450*

**AN ACT** relating to certain department of economic development programs including vision Iowa board membership, renewable fuels marketing, film project tax credits, the promotion of Iowa tourism experiences, the consolidation of reporting requirements, the administration of targeted industries development, and providing an effective date.

*Be It Enacted by the General Assembly of the State of Iowa:*

#### DIVISION I VISION IOWA BOARD MEMBERSHIP

Section 1. Section 15F.102, subsection 2, paragraph f, Code 2007, is amended to read as follows:

f. The director of the department of economic development or the director's designee.

#### DIVISION II MARKETING OF RENEWABLE FUELS PROGRAMS

Sec. 2. Section 15G.205, subsection 3, Code 2007, is amended to read as follows:

3. Moneys in the renewable fuel infrastructure fund are appropriated to the department ex-

clusively to support and market the renewable fuel infrastructure programs as provided in sections 15G.203 and 15G.204, and as allocated in financial incentives by the renewable fuel infrastructure board as created in section 15G.202. Up to fifty thousand dollars shall be allocated each fiscal year to the department to support the administration of the programs. The department may use up to one and one-half percent of the program funds to market the program. Otherwise the moneys shall not be transferred, used, obligated, appropriated, or otherwise encumbered except to allocate as financial incentives under the programs.

#### DIVISION III FILM PROJECT TAX CREDITS

Sec. 3. Section 15.393, subsection 2, paragraph b, subparagraph (1), Code Supplement 2007, is amended to read as follows:

(1) For tax years beginning on or after January 1, 2007, an investment tax credit shall be allowed against the taxes imposed in chapter 422, divisions II, III, and V, and in chapter 432, and against the moneys and credits tax imposed in section 533.329, for a portion of a taxpayer's investment in a project registered under the program. The tax credit shall equal twenty-five percent of the investment in the project, except that the tax credit shall not exceed twenty-five percent of the qualified expenditures on the project. An individual may claim a tax credit under this paragraph of a partnership, limited liability company, S corporation, estate, or trust electing to have income taxed directly to the individual. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings from the partnership, limited liability company, S corporation, estate, or trust. Any tax credit in excess of the taxpayer's liability for the tax year may be credited to the tax liability for the following five years or until depleted, whichever is earlier. A tax credit shall not be carried back to a tax year prior to the tax year in which the taxpayer claims the tax credit. A taxpayer shall not claim a tax credit under this paragraph "b" for qualified expenditures for which a tax credit is claimed under paragraph "a".

#### DIVISION IV TOURISM PROGRAM PROMOTING IOWA EXPERIENCES

Sec. 4. Section 15.108, subsection 5, paragraph c, Code Supplement 2007, is amended to read as follows:

c. Coordinate and develop with the state department of transportation, the state department of natural resources, the state department of cultural affairs, and other state agencies the generation Iowa commission, the vision Iowa board, other state agencies, and local and regional entities public interpretation, marketing, and education programs which that encourage Iowans and out-of-state visitors to participate in the recreation recreational and leisure opportunities available in Iowa. The department shall establish and administer a program that helps connect both Iowa residents and residents of other states to new and existing Iowa experiences as a means to enhance the economic, social, and cultural well-being of the state. The program shall include a broad range of new opportunities, both rural and urban, including main street destinations, green space initiatives, and artistic and cultural attractions.

#### DIVISION V CONSOLIDATION OF REPORTING REQUIREMENTS

Sec. 5. Section 15.104, subsection 1, Code Supplement 2007, is amended by striking the subsection.

Sec. 6. Section 15.104, subsection 9, Code Supplement 2007, is amended by striking the subsection and inserting in lieu thereof the following:

9. By January 31 of each year, submit a report to the general assembly and the governor that

covers its activities during the preceding fiscal year. The report shall include all of the following:

a. **FINANCIAL ASSISTANCE PROGRAMS.** Data on all assistance provided to business finance projects under the community economic betterment program established in section 15.317, eligible businesses under the high quality job creation program described in section 15.326,<sup>1</sup> the value-added agricultural products and processes financial assistance program established in section 15E.111.

b. **PROJECTS FUNDED THROUGH THE GROW IOWA VALUES FUND.** For each job creation or retention business finance project receiving moneys from the grow Iowa values fund created in section 15G.108, the following information:

(1) The net number of new jobs created as of June 30 of the prior year. For the purposes of this subparagraph, “net number of new jobs” is the number of new or retained jobs as identified in the contract.

(2) The number of jobs created, as of June 30 of the prior year, that are at or above the qualifying wage threshold for the project. For the purposes of this subparagraph, “qualifying wage threshold” means the wage that meets the required percentage of the average county or average regional wage for the programs or funding sources involved with the project.

(3) The number of retained jobs, as of June 30 of the prior year. For the purposes of this subparagraph, “retained jobs” means the number of retained jobs as identified in the contract.

(4) The total amount expended by a business, as of June 30 of the prior year, toward the total project cost as identified in the contract.

(5) The project’s location.

(6) The amount, if any, of private and local matching funds, as of June 30 of the prior year.

(7) The amount spent on research and development activities, as of June 30 of the prior year.

c. **INDUSTRIAL NEW JOBS TRAINING ACT.** Data on all assistance or benefits provided under the Iowa industrial new jobs training Act established in chapter 260E.

d. **WORKFORCE DEVELOPMENT FUND.** The proposed allocation of moneys from the workforce development fund to be made for the next fiscal year for the programs and purposes contained in section 15.343, subsection 2.

(1) The director shall submit a copy of the proposed allocation to the chairpersons of the joint economic development appropriations subcommittee of the general assembly. Notwithstanding section 8.39, the proposed allocation may provide for increased or decreased funding levels if the demand for a program indicates that the need is greater or lesser than the allocation for that program.

(2) The director shall submit a report each quarter to the board. The report shall include the status of the funds and may include the director’s proposed revisions. The proposed revisions may be approved by the board in January and April of each year.

(3) The director shall also provide quarterly reports to the legislative services agency on the status of the funds.

e. **EMPLOYEE TRAINING AND RETRAINING GOALS AND OBJECTIVES.** Pursuant to section 15.108, subsection 6, the upcoming year’s goals and objectives, including both short-term and long-term methods of improving program performance, creating employment opportunities for residents, and enhancing the delivery of services.

f. **ACCELERATED CAREER EDUCATION PROGRAMS.** The data related to the accelerated career education programs established in chapter 260G and the activities of those programs during the previous fiscal year.

g. **COORDINATION WITH COMMUNITY COLLEGES AND STATE BOARD OF REGENTS.** Pursuant to section 15.108, subsection 3, paragraph “a”, subparagraph (1), an assessment of the degree to which the department has coordinated with the community colleges and the state board of regents institutions in the avoidance of duplication of economic development efforts, including the degree to which there are future coordination needs. The state board of regents institutions and the community colleges shall be given an opportunity to review and comment on this portion of the department’s annual report prior to its printing or release.

<sup>1</sup> See chapter 1191, §119 herein

h. **ENDOW IOWA PROGRAM.** In cooperation with the lead philanthropic entity, as defined in section 15E.303, a summary of the activities conducted under the endow Iowa grant program created in section 15E.304. This portion of the annual report shall include a summary of the endow Iowa tax credits approved by the department in the prior calendar year, including the number of credits approved, the amount approved, a summary of the benefiting donations by size, and the number of community foundations and affiliate organizations benefiting from the tax credit program.

i. **GROW IOWA VALUES FUND EXPENDITURES.** Detailed financial data that delineate expenditures made under each component of the grow Iowa values fund created in section 15G.108.

j. **RENEWABLE FUEL PROGRAMS.** A detailed accounting of expenditures in support of renewable fuel infrastructure programs, as provided in sections 15G.203 and 15G.204. The renewable fuel infrastructure board established in section 15G.202 shall approve that portion of the department's annual report regarding projects supported from the grow Iowa values fund created in section 15G.108. This paragraph is repealed on July 1, 2012.

k. **PILOT PROJECT CITIES — WITHHOLDING AGREEMENT, TAX CREDITS.** Data on the pilot project cities established pursuant to section 403.19A, including all of the following:

(1) The amount each project received from each state economic development and tax credit program.

(2) The number of new jobs created as a result of the pilot program.

(3) The average wage of the jobs created as a result of the pilot project.

(4) An evaluation of the investment made by the state of Iowa in the pilot project cities program, including but not limited to the items described in subparagraphs (1) through (3).

l. **TARGETED INDUSTRIES DEVELOPMENT — FINANCIAL ASSISTANCE.** A report of the expenditures of moneys appropriated and allocated to the department for certain programs authorized pursuant to section 15.411 relating to the development and commercialization of businesses in the targeted industry areas of advanced manufacturing, bioscience, and information technology.

m. **TARGETED SMALL BUSINESS ACTIVITIES.** A section that is a compilation of the following reports required pursuant to section 15.108, subsection 7, paragraph "c":

(1) A summary of the report filed by December 1 of each year by the department of administrative services with the department of economic development regarding targeted small business procurement activities conducted during the previous fiscal year.

(2) A summary of the report filed by December 1 of each year by the department of inspections and appeals with the department of economic development regarding certifications of targeted small businesses. At a minimum, the summary shall include the number of certified targeted small businesses for the previous year, the increase or decrease in that number during the previous fiscal year compared to the prior fiscal year, and the number of targeted small businesses that have been decertified in the previous fiscal year.

(3) A summary of the internal report compiled by December 1 of each year by the department of economic development regarding the targeted small business financial assistance program. At a minimum, the summary shall contain the number of loans, loan guarantees, and grants distributed during the previous fiscal year, the individual amounts provided to targeted small businesses during the previous fiscal year, and how many financial assistance awards to targeted small businesses were the subject of repayment or collection activity during the previous fiscal year.

(4) A list of the procurement goals established pursuant to section 73.16, subsection 2, and compiled by the department of economic development's targeted small business marketing and compliance manager and the performance of each agency in meeting the goals. The performance of each agency shall be based upon the reports required pursuant to section 73.16, subsection 2.

Sec. 7. Section 15.108, subsection 3, paragraph a, subparagraph (1), Code Supplement 2007, is amended to read as follows:

(1) Provide the mechanisms to promote and facilitate the coordination of management and

technical assistance services to Iowa businesses and industries and to communities by the department, by the community colleges, and by the state board of regents institutions, including the small business development centers, the center for industrial research and service, and extension activities. In order to achieve this goal, the department may establish periodic meetings with representatives from the community colleges and the state board of regents institutions to develop this coordination. The community colleges and the state board of regents institutions shall cooperate with the department in seeking to avoid duplication of economic development services through greater coordinating efforts in the utilization of space, personnel, and materials and in the development of referral and outreach networks. ~~The department shall annually report on the degree to which economic development activities have been coordinated and the degree to which there are future coordination needs, and the community colleges and the state board of regents institutions shall be given an opportunity to review and comment on this report prior to its printing or release.~~ The department shall also establish a registry of applications for federal funds related to management and technical assistance programs.

Sec. 8. Section 15.108, subsection 4, paragraph a, Code Supplement 2007, is amended by striking the paragraph.

Sec. 9. Section 15.108, subsection 6, paragraph b, subparagraph (3), Code Supplement 2007, is amended by striking the subparagraph.

Sec. 10. Section 15.343, subsection 1, Code 2007, is amended to read as follows:

1. a. A workforce development fund is created as a revolving fund in the state treasury under the control of the department consisting of any moneys appropriated by the general assembly for that purpose and any other moneys available to and obtained or accepted by the department from the federal government or private sources for placement in the fund. The fund shall also include all of the following:

a. ~~Notwithstanding section 8.33, all unencumbered and unobligated funds from 1994 Iowa Acts, chapter 1201, section 1, subsection 6, except paragraph "d"; section 3, subsections 1 and 3; and section 10, remaining on July 1, 1995, and all unencumbered and unobligated funds in the Iowa conservation corps escrow account established in section 84A.7 and the job training fund established in section 260F.6.~~

b. ~~Moneys~~ moneys appropriated to the fund from the workforce development fund account established in section 15.342A.

b. Notwithstanding section 8.33, moneys in the workforce development fund at the end of each fiscal year shall not revert to any other fund but shall remain in the workforce development fund for expenditure for subsequent fiscal years.

Sec. 11. Section 15.343, subsection 3, paragraph a, Code 2007, is amended by striking the paragraph.

Sec. 12. Section 15E.19, subsection 3, Code 2007, is amended by striking the subsection.

Sec. 13. Section 15E.111, subsection 8, Code 2007, is amended by striking the subsection.

Sec. 14. Section 260G.4C, Code 2007, is amended to read as follows:

260G.4C FACILITATOR.

The department of economic development shall administer the statewide allocations of program job credits to accelerated career education programs. The department shall collect data related to the programs and prepare an annual report regarding the activities of the programs during the previous fiscal year. The report shall be submitted to the governor and the general assembly by December 31 of each year provide information about the accelerated career education programs in accordance with its annual reporting requirements in section 15.104, subsection 9.

Sec. 15. Section 403.19A, subsection 3, paragraph 1, Code Supplement 2007, is amended to read as follows:

1. The department of economic development in consultation with the department of revenue shall coordinate the pilot project program with the pilot project cities under this section. The department of economic development is authorized to adopt, amend, and repeal rules to implement the pilot project program under this section. ~~The department of economic development shall prepare an annual report for the governor, the general assembly, and the legislative services agency on the pilot project program. The pilot project program annual report shall include but not be limited to all of the following:~~

~~(1) The amount each project received from each state economic development and tax credit program.~~

~~(2) The number of new jobs resulting from the pilot program.~~

~~(3) The average wage resulting from the pilot project.~~

~~(4) An evaluation of the investment made by the state of Iowa, including but not limited to the terms in subparagraphs (1) through (3).~~

Sec. 16. Sections 15.113, 15E.306, 15G.206, Code 2007, are repealed.

#### DIVISION VI ADMINISTRATION OF TARGETED INDUSTRIES DEVELOPMENT

Sec. 17. Section 15.411, subsection 2, unnumbered paragraph 1, Code Supplement 2007, is amended to read as follows:

The department shall, upon board approval, contract with a provider through a request for proposals process service providers on a case-by-case basis for services related to statewide commercialization development in the targeted industries. Services provided shall include all of the following:

Sec. 18. Section 15.411, Code Supplement 2007, is amended by adding the following new subsection:

**NEW SUBSECTION.** 10. In each fiscal year, the department may expend additional moneys that become available to the department from sources such as loan repayments or recaptures of awards from federal economic stimulus funds provided the department spends those moneys for the implementation of the recommendations included in the separate consultant reports on bioscience, advanced manufacturing, information technology, and entrepreneurship submitted to the department in calendar years 2004, 2005, and 2006.

Sec. 19. **EFFECTIVE DATE.** The section of this Act amending section 15.411, subsection 2, being deemed of immediate importance, takes effect upon enactment.

Approved April 25, 2008

**CHAPTER 1123****INSURANCE AND OTHER MATTERS  
REGULATED BY INSURANCE DIVISION***H.F. 2555*

**AN ACT** relating to various matters under the purview of the insurance division of the department of commerce including uniform securities; duties of the insurance division including a consumer advocate and rate reviews; confidential information; examinations; insurance trade practices; insurance fraud; the Iowa life and health insurance guaranty association; viatical settlement contracts; general agents and third-party administrators; life insurance companies; health maintenance organizations; utilization and cost control; the Iowa comprehensive health insurance association; workers' compensation liability insurance; consolidation, merger, and reinsurance; licensing of insurance producers; cemetery and funeral merchandise and funeral services; and cemeteries, making appropriations, and providing an effective date.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 502.201, subsection 9E, Code 2007, is amended to read as follows:

9E. VIATICAL SETTLEMENT INVESTMENT CONTRACTS. A viatical settlement investment contract, or fractional or pooled interest in such contract, provided any of the following conditions are satisfied:

- a. The assignment, transfer, sale, devise, or bequest of a death benefit of a life insurance policy or contract is made by the viator to an insurance company as provided under Title XIII, subtitle 1.
- b. The assignment, transfer, sale, devise, or bequest of a life insurance policy or contract, for any value less than the expected death benefit, is made by the viator to a family member or other person who enters into no more than one such agreement in a calendar year.
- c. A life insurance policy or contract is assigned to a bank, savings bank, savings and loan association, credit union, or other licensed lending institution as collateral for a loan.
- d. Accelerated benefits are exercised as provided in the life insurance policy or contract and consistent with applicable law.
- e. The assignment, transfer, sale, devise, or bequest of the death benefit or ownership of a life insurance policy or contract made by the policyholder or contract owner to a viatical settlement provider, if the viatical settlement transaction complies with chapter 508E, including rules adopted pursuant to that chapter.

Sec. 2. Section 502.202, subsection 9, Code 2007, is amended to read as follows:

9. SPECIFIED EXCHANGE TRANSACTIONS. A transaction in a security, whether or not the security or transaction is otherwise exempt, in exchange for one or more bona fide outstanding securities, claims, or property interests, or partly in such exchange and partly for cash, if the terms and conditions of the issuance and exchange or the delivery and exchange and the fairness of the terms and conditions have been approved by ~~the administrator~~ after a hearing ~~by a court; by an official or agency of the United States; by a state securities, banking, or insurance agency; or by any other government authority expressly authorized by law to grant such approvals.~~

Sec. 3. Section 502.402, subsection 2, paragraph a, Code 2007, is amended to read as follows:

- a. An individual who represents a broker-dealer in effecting transactions in this state limited to those described in section 15(h)(2) of the Securities Exchange Act of 1934, 15 U.S.C. § ~~78(o)(2)~~ 78(h)(2).